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E-Filed on 8/31/09

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³ Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

STIPULATION RE LERIN HILLS PROOF OF CLAIM NO. 10725-01279

Trial: October 8, 2009
October 9, 2009
Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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AND
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LAWYERS

1 USACM Liquidating Trust (the "USACM Trust"), by and through its counsel,
2 Lewis and Roca LLP, and Lerin Hills Ltd. by and through its counsel, Kehoe &
3 Associates, hereby stipulate:

4 1. The USACM Trust filed an objection to Claim No. 10725-01279 of Lerin
5 Hills Ltd. (the "Lerin Hills Objection") [DE 3080] filed in the amount of \$1,257,233.40 as
6 an unsecured non-priority claim and a priority claim of \$797,175.62.

7 2. The USACM Trust filed a Second Omnibus Objection to Claims Asserting
8 Priority Status (the "Second Objection") [DE 3259] which included an objection to Claim
9 No. 10725-01279 filed by Lerin Hills.

10 3. The priority portion of the claim was reclassified as an unsecured claim
11 pursuant to order dated July 24, 2008 [DE 6531].

12 4. The Lerin Hills Objection and Second Objection are scheduled for Trial on
13 October 8, 2009 and October 9, 2009.

14 5. The parties conferred and hereby stipulate that Lerin Hills Proof of Claim
15 No. 10725-01279 may be allowed as an unsecured non-priority claim in the amount of
16 \$1,200,000.00.

17 6. The September 30, 2009 Pretrial conference, and the October 8, 2009 and
18 October 9, 2009 trial, and related discovery deadlines may be vacated.

19 7. The parties submit a stipulated order for the Court's convenience.

20 DATED: August 31, 2009.

21 **LEWIS AND ROCA LLP**

22
23 By: /s/ John Hinderaker, AZ 18024

24 Rob Charles, NV 6593

25 John Hinderaker, Pro Hac Vice

26 *Counsel for USACM Liquidating Trust*

-and-

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LAWYERS

KEHOE & ASSOCIATES

3/Kehoe 8-31-09

By: /s/ TEK (# 6011)

Ty E. Kehoe, Esq.
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Attorney for Lerin Hills, Ltd.

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